IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SEVENTEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

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WRIT PETITION NO : 2541 of 1996

Between:

Battu Gopala Rao, S/o. Late Punnaiah.
A.P.Small Scale Inductrial Development Corp. Ltd., Industrial Estate,
Vijayawada.

..... PETITIONER

AND

1 The Managing Director A.P.Small Scale Industrial Development Corp.

Ltd., 5-9-58/B, Parisrama Bhavanam, Basheerabagh, Hyderabad.
2 The General Manager, A.P.Small Scale Industrial Development Corp. Ltd.,
5-9-58/B, Parisrama Bhavanam, Basheerabagh, Hyderabad.
3 Works Superintendent, General Engg. Works, A.P.Small Scale Industrial

Development Corp. Ltd., Unit Industrial Estate, Vijayawada.
4 P.V.Venkata Rao, S/o. Late Appa Rao.
APSSID. LTd.,. C/o. General Engg. Work Shop,
Industrial Estate, Vijayawada.
5 AHK Ratnam,
Bandage and Guage cloth Manugacturing Unit, Industrial Estate,
Kallurupost, Kurnool. (dismissed for default as per court order

dt.23.03.2000)

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a direction or order in the nature of Writ of Mandamus directing the Respondents for further enforcing the impugned Proceedings issued in Ref. SIDC/Estt.GEW-VJA/96 dated 16/01/1996 of the 2nd respondent issued by order of the 1st respondent by setting aside the same as illegal, arbitrary or malafide with a consequential direction to Respondents continue the Petitioner as Store Keeper at General Engg. works, A.P.Small Scale Industrial Development Corp. Ltd.,

Vijayawada, Krishna District as if the Impugned proceedings above reffered have not been issued at all.

Counsel for the Petitioner: MR.G.CHANDRAIAH

Counsel for the Respondent Nos.1 to 3: MR.M.L.PREM RAO

The Court made the following:

ORAL ORDER:

Challenging the proceedings of the second respondent dated 16.01.1996 transferring the petitioner-a storekeeper of the A.P. Small Scale Industrial Development Corporation Limited, from Vijayawada to Gudur in lieu of the fourth respondent, the writ petition is filed.

In paragraph No.3 of the affidavit, it is contended that the normal tenure of transfer is three years and he had joined at Vijayawada on 09-10-1994. *Malafides* are alleged on the plea that the fifth respondent is believed to have made complaints at the behest of the fourth respondent alleging certain commissions and omissions on the part of the petitioner, and that without any enquiry, the first respondent had arbitrarily transferred the petitioner by the impugned order. The writ petition insofar as the fifth respondent was dismissed for default on 23.03.2000. The petitioner has not impleaded any individual by name, and therefore the vague attempt to allege malafides may be considered stillborn. No statutory rule prohibiting transfer within three years is either pleaded or demonstrated before this Court. It is well settled that a transfer is an incident of service and in the absence of any established malafides or patent lack of jurisdiction or other deleterious effect to public interest, an order of transfer is not liable to be interfered with. There are no merits in this writ petition.

The writ petition is accordingly dismissed. No order as to costs.

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GODA RAGHURAM, J

November 17, 2004.

YCR

To

1 The Managing Director A.P.Small Scale Industrial Development

Corporation Limited, 5-9-58/B, Parisrama Bhavanam,

Basheerabagh, Hyderabad.

2 The General Manager, A.P.Small Scale Industrial Development

Corp. Ltd., 5-9-58/B, Parisrama Bhavanam, Basheerabagh,

Hyderabad.

3 The Works Superintendent, General Engg. Works, A.P.Small

Scale Industrial Development Corp. Ltd., Unit Industrial Estate,

Vijayawada.

4. 2 C.D. copies.